

REMARKS

The claims are claims 1, 4 to 6 and 10 to 17.

Claims 1, 10, and 14 were rejected under 35 U.S.C. 102(b) as anticipated by Budge et al U.S. Patent No. 6,014,689.

Claims 1 and 10 recite subject matter not anticipated by Budge et al. Claims 1 and 10 recite "generating a digital data attachment file." The FINAL REJECTION cites column 4, lines 47 to 50 of Budge et al as anticipating this limitation. Budge et al states at column 4, lines 47 to 56 (including the portion cited in the FINAL REJECTION):

"The recorder also has an audio encoder 320 which encodes and typically compresses audio message data originating from an audio input device and routed to the audio encoder from the sound card driver. The encoded and typically compressed video and audio data streams are fed into a video/audio multiplexer 330 which places the video and audio data into a first-in-first-out (FIFO) buffer and multiplexes these data streams so as to maintain synchronism between the video and audio portions of the e-mail message."

The disclosure of Budge et al immediately following that cited in the FINAL REJECTION makes clear that this is the combined audio/video message. The disclosure of feeding separate video and audio data streams "into a first-in-first-out (FIFO) buffer and multiplexes these data streams so as to maintain synchronism between the video and audio portions of the e-mail message" clearly refers to the combined audio/video message recited in another paragraph of claims 1 and 10. Thus this citation of Budge et al does not anticipate the recited digital data attachment file. Accordingly, claims 1 and 10 are allowable over Budge et al.

Claims 1 and 10 recite further subject matter not anticipated by Budge et al. Claims 1 and 10 recite "transmitting the recorded combined audio/video message and the digital data attachment file

to a predetermined reception station." The Applicant respectfully submits that Budge et al fails to teach transmission of the digital data attachment. The FINAL REJECTION cites column 1, lines 42 to 44 of Budge et al as anticipating this limitation. Budge et al states at column 1, lines 39 to 44 (including the portion cited in the FINAL REJECTION):

"The recorder combines video from a video camera and audio from a microphone into a message file. The message file can optionally incorporate a video e-mail player program. This message file is then transferred from the sending subsystem to the receiving subsystem over the communications link."

The disclosure of Budge et al immediately preceding that cited in the FINAL REJECTION makes clear that this is the combined audio/video message. The disclosure of the recorder combining "video from a video camera and audio from a microphone into a message file" clearly refers to the combined audio/video message recited in another paragraph of claims 1 and 10. Thus this citation of Budge et al teaches transmission of the combined audio/video message but does not anticipate the recited digital data attachment file. Accordingly, claims 1 and 10 are allowable over Budge et al.

Claims 1 and 14 recite subject matter not anticipated by Budge et al. Claims 1 and 14 recite "storing a received combined audio/video message and digital data attachment file in a nonvolatile memory." Claim 1 includes the additional limitation that the storing takes place "in a reception station." This recitation differs from the disclosure of Budge et al in two aspects. First, claims 1 and 14 recite this storing takes is of a received signal with claim 1 explicitly reciting storing at a reception station. The FINAL REJECTION cites column 5, lines 53 to 60 and column 5, line 67 to column 6, line 3 of Budge et al as anticipating this subject matter. Budge et al states at column 5,

lines 52 to 53 (immediately preceding the portion cited in the FINAL REJECTION):

"FIG. 6 illustrates a portion of the GUI for the preferred embodiment of the video e-mail recorder"

Budge et al states at column 6, lines 19 to 27:

"FIGS. 7A and 7B provide a functional flow overview of both the sending and receiving portions of the video e-mail system as described above. The sending user 710 receives prompts and provides inputs to the sending system 720 with respect to controlling the virtual VCR, embedding the video e-mail player 220 into the video e-mail message file 500, and controlling the Email client. The sending system 720 creates and transmits a video e-mail message to the receiving system 730."

This portion of Budge et al makes clear that the virtual VCR functions of the cited portions of Budge et al (column 5, lines 53 to 60 and column 5, line 67 to column 6, line 3) take place at the sending system 720. Thus these disclosures cannot make obvious storing received data as recited in claims 1 and 14 that Budge et al discloses has not yet been transmitted. Additionally, these disclosures cannot make obvious storing at the receiving station as recited in claim 1 when the reference states this storing takes place at the sending system. Second, claims 1 and 14 recite that the storing step includes the digital data attachment. The FINAL REJECTION includes no arguments that the cited portions of columns 5 and 6 of Budge et al disclose such a digital data attachment. Accordingly, claims 1 and 14 are allowable over Budge et al.

Claims 1 and 14 recite still further subject matter not anticipated by Budge et al. Claims 1 and 14 recite "at a time other than reception of the combined audio/video message, presenting the digital data attachment file in a manner perceivable by a user." The FINAL REJECTION cites column 4, lines 35 to 41 of

Budge et al as anticipating this subject matter. This portion of Budge et al states:

"The video e-mail player receives as inputs the video message file from the Email client 270 and user inputs from the keyboard driver 250. The video e-mail player 220 outputs video message data and user prompts to the video graphics-adaptor driver 260 and audio message data to the sound card driver 240."

The Applicant respectfully submits that Budge et al makes clear this video message is the same as the combined audio/video message recited in claims 1 and 14 and not the digital data attachment. Budge et al states at column 4 lines 26 to 34 (immediately preceding the portion cited in the FINAL REJECTION):

"The main software components of the video e-mail system are the video e-mail recorder 210 and the video e-mail player 220. The video e-mail recorder 210 receives as inputs video message data from the operating system video software 230, audio message data from the sound card driver 240, and user inputs from the keyboard driver 250. The video e-mail recorder 210 outputs user prompts to the video graphics-adaptor driver 260. The video e-mail recorder 210 also executes the Email client 270 and passes the video e-mail file to the Email client 270."

Thus Budge et al discloses display of the combined audio/video message at column 4, lines 35 to 41 and not the digital data attachment recited in claims 1 and 14. The Examiner recognizes this fact by citing the same portion (column 4, lines 35 to 41) as anticipating displaying the combined audio/video message. Accordingly, claims 1 and 14 are allowable over Budge.

Claims 4 to 6, 11 to 13 and 15 to 17 were rejected under 35 U.S.C. 103(a) as made obvious by Budge et al U.S. Patent No. 6,014,689. The FINAL REJECTION cites OFFICIAL NOTICE that it was well know at the time of the invention to: attach word processing documents to an e-mail as recited in claims 4, 11 and 15; attach

spread sheet documents to an e-mail as recited in claims 5, 12 and 16; and to attach an audio file to an e-mail as recited in claims 6, 13 and 17. The FINAL REJECTION further states that it would have been obvious to one of ordinary skill in the art to modify the system of Budge by attaching a word processing document, a spreadsheet or an audio file.

The Applicant respectfully disputes this argument. Budge et al includes no hint that a file might be attached to the video e-mail. The prior art of e-mail attachments fails to make obvious the recitations of claims 4 to 6, 11 to 13 and 15 to 17 . One skilled in the art upon consideration of Budge et al in light of the prior art of e-mail attachments is more likely to transfer the video e-mail of Budge et al as an attachment to an ordinary e-mail than to attach a data file to the video e-mail of Budge et al. Accordingly, claims 4 to 6, 11 to 13 and 15 to 17 are allowable over Budge et al.

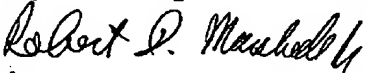
The Applicants respectfully request entry and consideration of this amendment. Entry of this amendment is proper at this time because the amendment does not change the scope of the claims. Thus no new search or reconsideration is required.

The Applicants respectfully submit that all the present claims are allowable for the reasons set forth above. Therefore early entry of this amendment, reconsideration and advance to issue are respectfully requested.

If the Examiner has any questions or other correspondence regarding this application, Applicants request that the Examiner contact Applicants' attorney at the below listed telephone number and address to facilitate prosecution.

Texas Instruments Incorporated
P.O. Box 655474 M/S 3999
Dallas, Texas 75265
(972) 917-5290
Fax: (972) 917-4418

Respectfully submitted,


Robert D. Marshall, Jr.
Reg. No. 28,527